

EXHIBIT 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUDY KROSHUS, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE 3:08-CV-00246 LDG-RAM
DEPT. NO.

**FRCP 26(c)(1) AND LR 26-7(b) GOOD FAITH
CERTIFICATION**

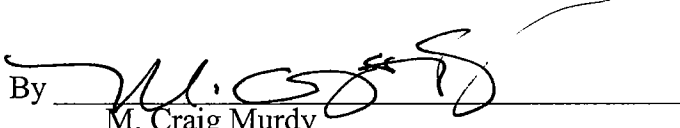
Pursuant to FRCP 26(c)(1) and LR 26-7(b), Defendant Truckee-Carson Irrigation District, by and through undersigned counsel, hereby certifies that TCID, by and through undersigned counsel, has in good faith conferred with counsel for the Kroshus Plaintiffs and the Uhouse Plaintiffs in order to resolve the discovery dispute concerning a Motion for Protective Order with regard to the TCID and TCID employee depositions.

Despite sincere efforts to do so, counsel have been unable to resolve the matter without court action.

DATED this 26th day of June, 2009.

DOYLE BERMAN MURDY, P.C.

By


M. Craig Murdy

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EXHIBIT 2

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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 JUDY KROSHUS, et al.,

8 Plaintiffs,

9 vs.

10 UNITED STATES OF AMERICA, et al.,

11 Defendants.

CASE 3:08-CV-00246 LDG-RAM
DEPT. NO.

**PROPOSED PROTECTIVE ORDER RE
TRUCKEE CARSON IRRIGATION
DISTRICT DEPOSITIONS**

12 Pursuant to Defendants Truckee-Carson Irrigation District and David Overvold's Motion
13 for Protective Order and good cause appearing therefor:

14 IT IS ORDERED:

- 15 1. Except upon further order of the Court, at all hearings, depositions, and other
16 proceedings, no examination of Truckee Carson Irrigation District or Truckee
17 Carson Irrigation District's agents and employees, including but not limited to
18 Ernie Schank, David Overvold, Lyman McConnell, John Baker, Walt Winder,
Ray Peterson, Don Snodgrass, Chuck Vincent, and Larry Miller will be allowed
on the following issues:
- 19 a. That TCID and its employees and former employees conspired to
20 fraudulently ascertain, compute, assess, obtain, calculate and issue water
incentive credits under OCAP.
- 21 b. That TCID and its employees and former employees materially falsified
22 numbers regarding delivery of water to the head gates of irrigated land in
northern Nevada.
- 23 c. That TCID and its employees and former employees engaged in a practice
24 of record keeping whereby TCID noted a greater amount of water delivery
25 to certain landowners and project participants when no amount (or a
significantly lesser amount) of water had actually been delivered to those
landowners and project participants at that time);
- 26 d. That TCID and its employees and former employees manipulated at least
27 one water meter to record a greater amount flowing through a ditch than in
fact was actually flowing;
- 28

- e. That TCID ditch riders were instructed by TCID Water Masters to record their delivery of water to landowners and project participants in pencil, providing an opportunity to later manipulate the ditch rider's numbers;
- f. That TCID and its employees and former employees used abandoned canal head gates for writing off water;
- g. That TCID and its employees and former employees submitted inflated figures regarding its total amount of water delivered to farm head gates of landowners and project participants (referred to in the indictment as the "total delivery amount") to Bureau of Reclamation (BOR);
- h. That TCID and its employees and former employees submitted false total delivery amounts on behalf of TCID to the BOR;
- i. That TCID and its employees and former employees "wrote off" water and manipulated and disabled water meters and instructed other employees and former employees to do the same;
- j. That TCID and its employees and former employees falsified TCID's project water delivery records;
- k. That TCID and its employees and former employees made false claims to the BOR that TCID's delivery of project water called for the issuance of incentive credits by BoR pursuant to OCAP;
- l. That TCID and its employees and former employees made false statements to the BOR by presenting records as to TCID's delivery of project water for calculation and issuance of incentive credits pursuant to OCAP; and
- m. Of alleged false statements and fraudulent presentations against and allegations of aiding/abetting and conspiracy regarding the calculation of incentive credits as they relate to water delivery records and data and/or meter tampering.

DATED this _____ day of _____, 2009.

U.S. District Court Judge

EXHIBIT 3

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC - 3 2008	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID OVERVOLD,
LYMAN McCONNELL,
SHELBY CECIL,
JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"
Defendants.

3:08-CR-0119-BES-RAM

INDICTMENT FOR VIOLATIONS OF:

TITLE 18, UNITED STATES CODE,
SECTION 371 - Conspiracy to
Defraud the United States
(Count One)

TITLE 18, UNITED STATES CODE,
SECTION 1519 - Falsification
of Records (Counts Two, Five,
and Eight)

TITLE 18, UNITED STATES CODE,
SECTION 287 - False Claims
(Counts Three, Six, and Nine)

TITLE 18, UNITED STATES CODE,
SECTION 1001 - False Statement
(Counts Four, Seven and Ten)

TITLE 18, UNITED STATES CODE,
SECTION 2 - Aiding and
Abetting (Counts Two to Ten)

COUNT ONE

[18 U.S.C. § 371 - Conspiracy to Defraud the United States]

The Grand Jury charges:

DAVID OVERVOLD,
LYMAN McCONNELL,
SHELBY CECIL,
JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

1 defendants herein, as follows:

2 I.

3 INTRODUCTION

4 At all times relevant to this Indictment:

5 A. The Defendants

6 Defendant ~~TRUCKEE-CARSON~~ IRRIGATION DISTRICT (a/k/a "TCID")
7 was a public irrigation district established under the laws of
8 Nevada.

9 (a) Pursuant to a contract with the United States Bureau of
10 Reclamation, TCID operated and maintained Newlands Project Works (as
11 defined herein), including, without limitation, the Lahontan
12 Reservoir Dam and reservoir, Lake Tahoe Dam and reservoir, the Derby
13 Diversion Dam, and canals, ditches and drainage systems, through
14 which TCID delivers water each year to landowners who are Newlands
15 Project participants in Northern Nevada.

16 (b) TCID had a seven-member Board of Directors (the
17 "Board"). To be eligible to serve on the Board, each member had to
18 be a Nevada landowner and a participant in the Newlands Project,
19 which entitled him/her to receipt of an amount of acre-feet of water
20 each irrigation season by TCID.

21 (c) Through the Board, TCID employed officers with
22 supervisory authority on behalf of TCID, including a Project Manager
23 and a District Engineer.

24 (d) TCID also employed Watermasters with supervisor
25 authority who served as the direct supervisors of TCID ditchriders.

26 (e) TCID ditchriders were field employees who, in general,
27 administered TCID's delivery of water through Project Works canals to
28

1 landowners participating in the Newlands Project.

2 (f) TCID's offices were located in Fallon, State and
3 District of Nevada. TCID employed a support staff in its Fallon
4 offices.

5 2. Defendant DAVID OVERVOLD was a TCID officer who resides in
6 Fallon, Nevada. OVERVOLD was the District Engineer, and thereafter
7 the Project Manager, for TCID.

8 3. Defendant LYMAN McCONNELL was a TCID officer who resides in
9 Fallon, Nevada. McCONNELL was the Project Manager for TCID. When
10 OVERVOLD became TCID's Project Manager, McCONNELL provided consulting
11 work and served as a representative for TCID.

12 4. Defendant SHELBY CECIL was a TCID Watermaster who resides
13 in Fallon, Nevada. During his employ, CECIL trained at least one new
14 Watermaster for TCID and demonstrated how to manipulate a water meter
15 in one of the canals of the Newlands Project Works.

16 5. Defendant JOHN BAKER was a TCID Watermaster who resides in
17 Fallon, Nevada. BAKER was initially a Watermeter Technician, then
18 Watermaster, for TCID. BAKER trained at least one new Watermaster
19 for TCID and encouraged the writing-off of water.

20 B. OCAP and the Water Credits Incentive Program

21 6. In approximately 1902, Francis G. Newlands, the United
22 States Senator from Nevada, was instrumental in obtaining, as part of
23 the Reclamation Act, federal funding to construct Derby Dam, the
24 Truckee Canal, and other water infrastructure to control and manage
25 more effectively water flowing from the Sierra Mountains to Northern
26 Nevada. This endeavor was commonly referred to as the Newlands
27 Project (the "Project").
28

1 7. The United States Bureau of Reclamation ("BOR"), an agency
2 of the United States government, specifically the United States
3 Department of the Interior, helped construct and administer the
4 Project.

5 8. TCID was formed in approximately 1926. As part of the
6 ~~administration of the Newlands Project,~~ the BOR entered a service
7 contract with the TCID for TCID to handle the operation and
8 maintenance of the Project. This contract was most recently renewed
9 on or about November 25, 1996 (the "1996 Contract"), under the title
10 "Operation and Maintenance of the Newlands Projects," whereby, in
11 pertinent part, the TCID contracted to continue the care, operation
12 and maintenance of all of the Project Works currently entrusted to
13 it. In the 1996 Contract, Project Works is defined in pertinent part
14 "as all federally owned facilities used for Project purposes and
15 includes the Lahontan Reservoir dam, reservoir, and lands; Lake Tahoe
16 Dam, reservoir, and lands; the Derby Diversion Dam and lands, the Old
17 Lahontan Power Plant (subject to existing leases), and all essential
18 federally owned lands, easements, rights-of-way, dams, diversion
19 works, buildings, canals, laterals, sublaterals, ditches,
20 distribution and draining systems, and stock water pipelines. . . ."

21 9. Pursuant to the 1996 Contract, TCID, among other things, is
22 responsible for the distribution and delivery of Project water from
23 the Lahontan Reservoir and the Carson and Truckee Rivers through
24 canals (and other Project Works) to the farmhead gates of particular
25 landowners who are Newlands Project participants in the District of
26 Nevada. Generally, these landowners having rights to the delivery of
27 water from TCID are primarily farmers and ranchers located in the
28

1 District of Nevada.

2 10. TCID's obligations in terms of water distribution are set
3 forth in the Operating Criteria and Procedures ("OCAP"). The 1973
4 version of the OCAP provides a limit of 288,120 acre-feet of water
5 that may be diverted from the Truckee River by TCID annually.

6 ~~11. In 1988, the OCAP was revised to include an efficiency~~
7 incentive provision, which states in pertinent part, "In any given
8 year that TCID's actual water efficiency exceeds the target
9 efficiency for the actual head-gate water delivery ["target
10 efficiency rate" or "efficiency"], two-thirds of the resultant
11 savings, in water, will be credited to TCID as storage in the
12 Lahontan Reservoir ["incentive credits"]. This storage amount will
13 remain in the Lahontan Reservoir as water available to TCID to be
14 used at TCID's own discretion."

15 12. Under this provision, TCID is provided incentive credits by
16 BOR when TCID's annual water distribution and delivery to headgates
17 of water right holders results in a Project-wide distribution
18 efficiency greater than a target efficiency calculated pursuant to
19 the OCAP. These incentive credits have value, in the form of water
20 from the Truckee River, which may be used for any purpose consistent
21 with federal and state law, including their sale to another party.

22 13. In 1995, a lawsuit was filed in federal court against TCID's
23 Board of Directors seeking the repayment of approximately 1,057,000
24 acre-feet of water that was allegedly diverted from the Truckee River
25 to the Project in violation of the 1973 OCAP under docket number CV-
26 N-95-757-HDM (the "civil action"). Through consistent diversion of
27 water from Truckee River that should have gone to Pyramid Lake, it
28

1 was alleged that Pyramid Lake water levels dropped substantially, and
2 over many years, by approximately seventy feet. In 2003, judgment
3 was entered in favor of the United States and the Pyramid Lake Paiute
4 Tribe ("PLT"), whose territory includes Pyramid Lake, and against
5 TCID for TCID's excess diversions of the Truckee River in the amount
6 of 197,152 acre-feet of water. One acre-foot of water is
7 approximately 326,700 gallons of water.

8 14. TCID used the incentive credits it obtained from BOR from
9 2000 through 2005 (adjusted to account for evaporation loss) as
10 recoupment payments in the civil action consistent with the Court's
11 judgment.

12 II.

13 THE CONSPIRACY

14 15. Beginning at a time unknown to the Grand Jury, but no later
15 than December 26, 2000, and continuing until on or about December 3,
16 2007, in the State and District of Nevada,

17 DAVID OVERVOLD,
18 LYMAN McCONNELL,
19 SHELBY CECIL,
20 JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

21 defendants herein, the last of which was an entity whose employees
22 were acting within the scope of their employment and for the benefit
23 of their employer, knowingly combined, conspired, and agreed among
24 themselves, and with others both known and unknown to the Grand Jury,
25 to defraud the United States by impairing, impeding, obstructing and
26 defeating the lawful functions of the United States Bureau of
27 Reclamation ("BOR") in the ascertainment, computation, assessment,
28

1 and issuance of water incentive credits under the OCAP, and did so
2 through deceit, craft, trickery, and dishonest means.

3 16. The object of this conspiracy was for TCID to fraudulently
4 obtain from BOR incentive credits in the form of thousands of acre-
5 feet of water under the OCAP based upon TCID's materially false
6 numbers regarding the amount of water TCID delivered and maintained
7 for the irrigation seasons 2000 through 2005. By submitting
8 materially false numbers to BOR, TCID purportedly met the target
9 efficiency rate set according to the OCAP, which, in turn, triggered
10 the granting of incentive credits by BOR to TCID for TCID's use in
11 any manner consistent with federal and state law. TCID used the
12 thousands of acre-feet of water it obtained as incentive credits as
13 recoupment payments in the civil action in 2005 and 2007.

14 III.

15 MANNER AND MEANS

16 17. For each of the irrigation years 2000 through 2005, TCID
17 representatives engaged in a practice of materially falsifying its
18 numbers regarding TCID's delivery of water to the headgates of
19 irrigated land in Northern Nevada. In furtherance of the conspiracy,
20 defendants and their coconspirators employed, among others, the
21 following ways and means:

22 (a) TCID engaged in a practice of record-keeping whereby
23 TCID employees noted a greater amount of water delivery to certain
24 landowners and Project participants when no amount (or a
25 significantly lesser amount) of water had actually been delivered to
26 those landowners and Project participants at that time. This
27 practice typically occurred toward the end of irrigation seasons and
28

1 was commonly referred to as the "writing-off of water." An
2 irrigation season typically runs from March 15 through November 15 of
3 each year.

4 (b) At the demonstration, instruction, and approval of a
5 at least one TCID Watermaster, TCID employees manipulated at least
6 one water meter to record a greater amount of water flowing through a
7 ditch than in fact was actually flowing.

8 (c) TCID ditchriders were instructed by TCID Watermasters to
9 record their delivery of water to landowners and Project participants
10 in pencil, providing opportunity to later manipulate ditchriders'
11 numbers.

12 (d) TCID used abandoned canal headgates for its writing-off
13 of water.

14 (e) For irrigation years 2000 through 2005, TCID submitted
15 inflated figures regarding its total amount of water delivered to
16 farmhead gates of landowners and Project Participants (the "total
17 delivery amount") to BOR.

18 18. As part of the conspiracy, defendants and their
19 coconspirators submitted false total delivery amounts on behalf of
20 TCID for each of irrigation years 2000 through 2005 to BOR
21 representatives pursuant to the OCAP for a determination of TCID's
22 efficiency rate in relation to the target efficiency rate and whether
23 (and to what extent) BOR was to issue incentive credits to TCID. As
24 TCID knew, BOR relied on these numbers to calculate TCID's target
25 efficiency rate and to determine the amount of incentive credits to
26 issue TCID.

27 19. By falsely inflating the total delivery amount for years 2000
28

1 through 2005, through, among other means, the writing-off of water
2 and manipulation of water meters, TCID directly affected BOR's
3 calculation of TCID's delivery efficiency and, in so doing,
4 fraudulently obtained incentive credits from BOR for the benefit of
5 TCID.

6 20. For the irrigation year 2000, based upon the total delivery
7 amount figures submitted by TCID, BOR determined that TCID's
8 incentive credit was approximately 9,300 acre-feet of water.

9 21. For the irrigation year 2001, based upon the total delivery
10 amount figures submitted by TCID, BOR determined that TCID's
11 incentive credit was approximately 4,220 acre-feet of water.

12 22. For the irrigation year 2002, based upon the total delivery
13 amount figures submitted by TCID, BOR determined that TCID's
14 incentive credit was approximately 8,500 acre-feet of water.

15 23. For the irrigation year 2003, based upon the total delivery
16 amount figures submitted by TCID, BOR determined that TCID's
17 incentive credit was approximately 8,300 acre-feet of water.

18 24. For the irrigation year 2004, based upon the total delivery
19 amount figures submitted by TCID, BOR determined that TCID's
20 incentive credit was approximately 9,550 acre-feet of water.

21 25. For the irrigation year 2005, based upon the total delivery
22 amount figures submitted by TCID, BOR determined that TCID's
23 incentive credit was approximately 5,300 acre-feet of water.

24 IV.

25 OVERT ACTS

26 26. In furtherance of the conspiracy, and to achieve the objects
27 thereof, the defendants and their coconspirators committed, among
28

1 others, the following overt acts in the State and District of Nevada.

2 (a) Defendant LYMAN McCONNELL, as TCID Project Manager,
3 sent a letter to a BOR Area Manager on or about December 26, 2000,
4 advising in pertinent part that TCID achieved and reported a 70%
5 overall project efficiency for the 2000 irrigation season, which
6 ~~exceeded the expected efficiency under OCAP,~~ and that TCID and its
7 water users were entitled to an incentive credit at the end of the
8 irrigation season.

9 (b) On or about June 14, 2001, defendant LYMAN
10 McCONNELL, TCID Project Manager, received a letter from a BOR Area
11 Manager advising that, because TCID delivered Newlands Project water
12 to head gates at an efficiency that exceeded the target as defined in
13 the OCAP, TCID earned an incentive credit of 9,300 acre-feet of
14 water.

15 (c) On or about March 25, 2002, defendant DAVID
16 OVERVOLD signed a letter addressed to a BOR Acting Area Manager
17 referencing BOR's calculations of incentive credit for the 2001
18 irrigation season and TCID's "deep involvement" in the recoupment
19 lawsuit.

20 (d) Between on or about October 1, 2002, and November
21 30, 2002, defendant LYMAN McCONNELL confronted a TCID employee for
22 not processing orders to write-off water.

23 (e) Between on or about October 1, 2002, and November
24 30, 2002, defendant LYMAN McCONNELL instructed a TCID employee to
25 process orders to write-off water.

26 (f) At a time unknown to the grand jury, but between
27 on or about October 1, 2002, and November 30, 2002, defendant DAVID
28

1 OVERVOLD told a TCID employee that the writing off of water was not a
2 concern of the TCID employee and to mind his/her own business.

3 (g) On or about February 4, 2003, defendant LYMAN
4 McCONNELL signed a letter addressed to a BOR Area Manager regarding
5 irrigated acreage for 2003, referencing TCID's incorrect calculation
6 of approximately 59,478.14 irrigated acres for 2003.

7 (h) On or about February 6, 2003, defendant DAVID
8 OVERVOLD signed a letter addressed to a BOR Area Manager relating to
9 BOR's calculations of incentive credit for the 2002 irrigation
10 season.

11 (i) Between on or about October 1, 2003, and on or
12 about November 30, 2003, defendant SHELBY CECIL explained to a TCID
13 ditchrider how to write off water.

14 (j) Between on or about October 1, 2003, and on or
15 about November 30, 2003, defendant SHELBY CECIL completed a water
16 delivery card of a TCID ditchrider to reflect the writing-off of
17 water.

18 (k) In November 2003, defendant JOHN BAKER altered a
19 TCID water ticket to reflect the writing-off of water.

20 (l) In November 2005, defendant SHELBY CECIL showed a
21 TCID ditchrider who was in training to become a TCID watermaster how
22 to use cotton, cloth, or wads of paper to manipulate a water meter.

23 (m) On or about April 25, 2006, defendant DAVID
24 OVERVOLD signed a letter addressed to a BOR Area Manager referencing
25 TCID's delivery records for 2005 and BOR's preliminary calculation of
26 incentive credits for 2005.

27 (n) On or about November 30, 2005, defendant DAVID
28

1 OVERVOLD helped prepare a chart as part of TCID records reflecting a
2 189% efficiency rate for TCID for November 2005.

3 (o) On or about February 14, 2006, TCID received a
4 document entitled "Federal Water Master's Certification of Compliance
5 with the Judgment by the Truckee-Carson Irrigation District" which
6 was filed in the civil action on February 14, 2006, advising in
7 substance that TCID had used incentive water credits as partial
8 recoupment payments in the civil action.

9 (p) On or about May 30, 2006, based upon the Federal
10 Water Master's Certification filed on February 14, 2006, which was
11 adopted by the Court, TCID received partial satisfaction of judgment
12 in the civil action in the amount of 3,271 acre-feet of water by
13 order of the Court.

14 (q) On or about June 20, 2006, defendant JOHN BAKER
15 called a TCID ditchrider and acknowledged to the ditchrider the use
16 of an abandoned canal headgate for the writing-off of water.

17 (r) On or about September 25, 2006, defendant JOHN
18 BAKER instructed a TCID ditchrider to write-off water.

19 (s) On or about September 25, 2006, defendant JOHN
20 BAKER advised a TCID ditchrider that, according to defendant LYMAN
21 McCONNELL, the ditchrider can write-off water.

22 (t) Between on or about September 1, 2006, and
23 November 15, 2006, defendant JOHN BAKER informed a TCID ditchrider
24 how to disable a water meter.

25 (u) On or about December 29, 2006, defendant DAVID
26 OVERVOLD signed a letter to the Federal Water Master in the civil
27 action, advising, in pertinent part, that BOR had permitted TCID to
28

1 divert all available Truckee River water in January 2007, and that
2 TCID intended to forego diversion from Truckee River and allow water
3 to pass Derby Dam until the amount equaled TCID's estimated incentive
4 credit of 23,100 acre-feet of water under the same conditions
5 implemented in the December 2005 recoupment agreement.

6 (v) On or about June 27, 2007, TCID received a document
7 entitled "Federal Water Master's Certification of Compliance with the
8 Judgment by the Truckee-Carson Irrigation District" which was filed
9 in the civil action on June 27, 2007, advising in pertinent part and
10 in substance that TCID should be credited with the repayment of
11 24,962 acre-feet of water to the Truckee River under the judgment in
12 the civil action.

13 (w) On or about October 9, 2007, based upon the
14 Federal Water Master's Certification filed on June 27, 2007, which
15 was adopted by the Court, TCID received partial satisfaction of
16 judgment in the civil action in the amount of 24,962 acre-feet of
17 water by order of the Court.

18 (x) On or about December 3, 2007, defendants LYMAN
19 MCCONNELL and DAVID OVERVOLD received a letter from a BOR Area
20 Manager noting in pertinent part and in substance that, according to
21 BOR calculations, 23,000 acre-feet of TCID's incentive credit water
22 was converted to Project water as a result of TCID's decision to
23 forbear diversions from the Truckee River to Lahontan Reservoir
24 during December of 2005 and January of 2007, and that this conversion
25 reduced TCID's incentive credit water in Lahontan Reservoir to a
26 balance of zero acre-feet of water.

27 All in violation of Title 18, United States Code, Section 371.
28

1 COUNT TWO

2 [18 U.S.C. § 1519 - Falsification of Records,
3 Irrigation Year 2003]

4 The Grand Jury further charges that, beginning at a time unknown
5 to the Grand Jury, but not later than November 15, 2003, and
6 continuing until on or about February 24, 2004, in the State and
7 District of Nevada,

8 DAVID OVERVOLD,
9 LYMAN McCONNELL,
10 SHELBY CECIL, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

11 defendants herein, the last of which was an entity whose employees
12 were acting within the scope of their employment and for the benefit
13 of their employer, did knowingly alter, conceal, cover up, falsify,
14 and make a false entry in any record, document, and tangible object,
15 namely TCID's Project water delivery records for irrigation year 2003
16 which it submitted to the United States Bureau of Reclamation ("BOR")
17 for calculation and issuance of incentive credits pursuant to the
18 Operating Criteria and Procedures ("OCAP"), with the intent to
19 impede, obstruct, and influence the proper administration of a matter
20 within the jurisdiction of a department or agency of the United
21 States, and in contemplation of such matter, namely BOR's
22 determination and issuance under the OCAP of incentive credits in the
23 amount of approximately 8,300 acre-feet of water to TCID, in
24 violation of Title 18, United States Code, Sections 1519 and 2.

25 COUNT THREE

26 [18 U.S.C. § 287 - False Claim,
27 Irrigation Year 2003]

1 The Grand Jury further charges that, beginning at a time unknown
2 to the Grand Jury, but not later than November 15, 2003, and
3 continuing until on or about February 24, 2004, in the State and
4 District of Nevada,

5 DAVID OVERVOLD,
6 LYMAN McCONNELL,
7 ~~SHELBY CECIL~~, and
8 TRUCKEE CARSON IRRIGATION DISTRICT,
9 a/k/a "TCID,"

10 defendants herein, the last of which was an entity whose employees
11 were acting within the scope of their employment and for the benefit
12 of their employer, did knowingly present to the United States Bureau
13 of Reclamation ("BOR") a claim upon BOR; that is, a claim that TCID's
14 delivery of Project water for irrigation year 2003 called for the
15 issuance of incentive credits by BOR pursuant to the Operating
16 Criteria and Procedures ("OCAP"), knowing that the claim was false in
17 that TCID's figures submitted to BOR as to TCID's delivery of Project
18 water in irrigation year 2003 were materially inflated to provide
19 TCID incentive credits under the OCAP in the amount of approximately
20 8,300 acre-feet of water from BOR, in violation of Title 18, United
21 States Code, Sections 287 and 2.

22 COUNT FOUR

23 [18 U.S.C. § 1001 - False Statement,
24 Irrigation Year 2003]

25 The Grand Jury further charges that, beginning at a time unknown
26 to the Grand Jury, but not later than November 15, 2003, and
27 continuing until on or about February 24, 2004, in the State and
28 District of Nevada, in a matter within the jurisdiction of the United
States Bureau of Reclamation ("BOR"), an agency of the United States,

1 DAVID OVERVOLD,
2 LYMAN McCONNELL,
3 SHELBY CECIL, and
4 TRUCKEE CARSON IRRIGATION DISTRICT,
5 a/k/a "TCID,"

6 defendants herein, the last of which was an entity whose employees
7 were acting within the scope of their employment and for the benefit
8 of their employer, did knowingly and willfully make and use and
9 caused to be made and used a materially false writing and document by
10 presenting to BOR records as to TCID's delivery of Project water for
11 irrigation year 2003 for calculation and issuance of incentive
12 credits pursuant to the Operating Criteria and Procedures ("OCAP"),
13 knowing the delivery records to be false; that is, these records were
14 inflated to provide TCID incentive credits in the amount of
15 approximately 8,300 acre-feet of water from BOR, in violation of
16 Title 18, United States Code, Sections 1001 and 2.

17 COUNT FIVE

18 [18 U.S.C. § 1519 - Falsification of Records,
19 Irrigation Year 2004]

20 The Grand Jury further charges that, beginning at a time unknown
21 to the Grand Jury, but not later than November 15, 2004, and
22 continuing until on or about April 4, 2005, in the State and District
23 of Nevada,

24 DAVID OVERVOLD,
25 LYMAN McCONNELL,
26 SHELBY CECIL, and
27 TRUCKEE CARSON IRRIGATION DISTRICT,
28 a/k/a "TCID,"

defendants herein, the last of which was an entity whose employees
were acting within the scope of their employment and for the benefit
of their employer, did knowingly alter, conceal, cover up, falsify,
and make a false entry in any record, document, and tangible object,

1 namely TCID's Project water delivery records for irrigation year 2004
2 it submitted to the United States Bureau of Reclamation ("BOR") for
3 calculation and issuance of incentive credits pursuant to the
4 Operating Criteria and Procedures ("OCAP"), with the intent to
5 impede, obstruct, and influence the proper administration of a matter
6 within the jurisdiction of a department or agency of the United
7 States, and in contemplation of such matter, namely BOR's
8 determination and issuance under the OCAP of incentive credits in the
9 amount of approximately 9,550 acre-feet of water to TCID, in
10 violation of Title 18, United States Code, Sections 1519 and 2.

11 COUNT SIX

12 [18 U.S.C. § 287 - False Claim,
13 Irrigation Year 2004]

14 The Grand Jury further charges that, beginning at a time unknown
15 to the Grand Jury, but not later than November 15, 2004, and
16 continuing until on or about April 4, 2005, in the State and District
17 of Nevada,

18 DAVID OVERVOLD,
19 LYMAN McCONNELL,
20 SHELBY CECIL, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

21 defendants herein, the last of which was an entity whose employees
22 were acting within the scope of their employment and for the benefit
23 of their employer, did knowingly present to the United States Bureau
24 of Reclamation ("BOR") a claim upon BOR; that is, a claim that TCID's
25 delivery of Project water for irrigation year 2004 called for the
26 issuance of incentive credits by BOR pursuant to the Operating
27 Criteria and Procedures ("OCAP"), knowing that the claim was false in
28 that TCID's figures submitted to BOR as to TCID's delivery of Project

1 water in irrigation year 2004 were materially inflated to provide
 2 TCID incentive credits under the OCAP in the amount of approximately
 3 9,550 acre-feet of water from BOR, in violation of Title 18, United
 4 States Code, Sections 287 and 2.

5 COUNT SEVEN

6 ~~-----[18 U.S.C. § 1001 - False Statement, -----~~
 7 ~~Irrigation Year 2004]~~

8 The Grand Jury further charges that, beginning at a time unknown
 9 to the Grand Jury, but not later than November 15, 2004, and
 10 continuing until on or about April 4, 2005, in the State and District
 11 of Nevada, in a matter within the jurisdiction of the United States
 12 Bureau of Reclamation ("BOR"), an agency of the United States,

13 DAVID OVERVOLD,
 14 LYMAN McCONNELL,
 15 SHELBY CECIL, and
 TRUCKEE CARSON IRRIGATION DISTRICT,
 a/k/a "TCID,"

16 defendants herein, the last of which was an entity whose employees
 17 were acting within the scope of their employment and for the benefit
 18 of their employer, did knowingly and willfully make and use and
 19 caused to be made and used a materially false writing and document by
 20 presenting to BOR records as to TCID's delivery of Project water for
 21 irrigation year 2004 for calculation and issuance of incentive
 22 credits pursuant to the Operating Criteria and Procedures ("OCAP"),
 23 knowing the delivery records to be false; that is, these records were
 24 inflated to provide TCID incentive credits in the amount of
 25 approximately 8,300 acre-feet of water from BOR, in violation of
 26 Title 18, United States Code, Sections 1001 and 2.

27 / / /

28 / / /

1 COUNT EIGHT

2 [18 U.S.C. § 1519 - Falsification of Records,
3 Irrigation Year 2005]

4 The Grand Jury further charges that, beginning at a time unknown
5 to the Grand Jury, but not later than November 15, 2005, and
6 continuing until on or about May 15, 2006, in the State and District
7 of Nevada,

8 DAVID OVERVOLD,
9 LYMAN McCONNELL,
10 SHELBY CECIL,
11 JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

12 defendants herein, the last of which was an entity whose employees
13 were acting within the scope of their employment and for the benefit
14 of their employer, did knowingly alter, conceal, cover up, falsify,
15 and make a false entry in any record, document, and tangible object,
16 namely TCID's Project water delivery records for irrigation year 2005
17 it submitted to the United States Bureau of Reclamation ("BOR") for
18 calculation and issuance of incentive credits pursuant to the
19 Operating Criteria and Procedures ("OCAP"), with the intent to
20 impede, obstruct, and influence the proper administration of a matter
21 within the jurisdiction of a department or agency of the United
22 States, and in contemplation of such matter, namely BOR's
23 determination and issuance under the OCAP of incentive credits in the
24 amount of approximately 5,300 acre-feet of water to TCID, in
25 violation of Title 18, United States Code, Sections 1519 and 2.

26 COUNT NINE

27 [18 U.S.C. § 287 - False Claim,
28 Irrigation Year 2005]

1 The Grand Jury further charges that, beginning at a time unknown
2 to the Grand Jury, but not later than November 15, 2005, and
3 continuing until on or about May 15, 2006, in the State and District
4 of Nevada,

5 DAVID OVERVOLD,
6 LYMAN McCONNELL,
7 SHELBY CECIL,
8 JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

9 defendants herein, the last of which was an entity whose employees
10 were acting within the scope of their employment and for the benefit
11 of their employer, did knowingly present to the United States Bureau
12 of Reclamation ("BOR") a claim upon BOR; that is, a claim that TCID's
13 delivery of Project water for irrigation year 2005 called for the
14 issuance of incentive credits by BOR pursuant to the Operating
15 Criteria and Procedures ("OCAP"), knowing that the claim was false in
16 that TCID's figures submitted to BOR as to TCID's delivery of Project
17 water in irrigation year 2005 were materially inflated to provide
18 TCID incentive credits under the OCAP in the amount of approximately
19 5,300 acre-feet of water from BOR, in violation of Title 18, United
20 States Code, Sections 287 and 2.

21 COUNT TEN

22 [18 U.S.C. § 1001 - False Statement,
23 Irrigation Year 2005]

24 The Grand Jury further charges that, beginning at a time unknown
25 to the Grand Jury, but not later than November 15, 2005, and
26 continuing until on or about May 15, 2006, in the State and District
27 of Nevada, amount of water for irrigation year 2005 for calculation
28 and in a matter within the jurisdiction of the United States Bureau

1 of Reclamation ("BOR"), an agency of the United States,

2 DAVID OVERVOLD,
3 LYMAN McCONNELL,
4 SHELBY CECIL,
5 JOHN BAKER, and
TRUCKEE CARSON IRRIGATION DISTRICT,
a/k/a "TCID,"

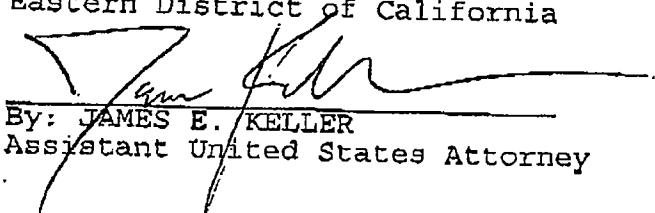
6 ~~defendants herein~~; the last of which was an entity whose employees
7 were acting within the scope of their employment and for the benefit
8 of their employer, did knowingly and willfully make and use and
9 caused to be made and used a materially false writing and document by
10 presenting to BOR records as to TCID's delivery of Project water for
11 irrigation year 2005 for calculation and issuance of incentive
12 credits pursuant to the Operating Criteria and Procedures ("OCAP"),
13 knowing the delivery records to be false; that is, these records were
14 inflated to provide TCID incentive credits in the amount of
15 approximately 5,300 acre-feet of water from BOR, in violation of
16 Title 18, United States Code, Sections 1001 and 2.

17 DATED: this 3 day of December, 2008.

18 A TRUE BILL:

19
20 /S/
FOREPERSON OF THE GRAND JURY

21 MCGREGOR W. SCOTT
22 United States Attorney
23 Eastern District of California

24 
25 By: JAMES E. KELLER
26 Assistant United States Attorney
27
28